

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-02-069

Relating to Public Hearing for the Proposed Airborne Toxic Control Measure to Reduce Emissions of Toxic Contaminants from Outdoor Residential Waste Burning

WHEREAS, in accordance with the public notice issued December 20, 2001, on February 21, 2002, the Air Resources Board (Board) conducted a public hearing to consider the adoption of an Airborne Toxic Control Measure to Reduce the Emissions of Toxic Air Contaminants from Outdoor Residential Waste Burning, to be set forth in a new section 93113, title 17, California Code of Regulations (CCR);

WHEREAS, the regulation had several modifications from what was originally proposed;

WHEREAS, following the public hearing the Board adopted Resolution 02-2, in which the Board approved section 93113, title 17, CCR, as modified and as set forth in Attachments A and B thereto;

WHEREAS, the Board directed the Executive Officer to adopt the regulations as modified, after making them available to the public for comment for a period of 15 days, provided that the Executive Officer was to consider such written comments as were submitted during this period, was to make modifications as appropriate in light of the comments received, and was to present the regulations to the Board for further consideration if he determined that this was warranted;

WHEREAS, the approved regulations were made available for public comment for a 15-day period, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, CCR, section 44;

WHEREAS, the subsequent addition of clarifying language affirming that population density is to be calculated as persons per square mile, as explained in the public notice for the 15-day comment period and throughout the rulemaking record, is a nonsubstantial change and does not require additional public comment or reconsideration by the Board;

WHEREAS, all written comments received during the 15-day period have been considered and responded to by the Executive Officer and the Executive Officer finds that no further substantive modifications are appropriate.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 02-2 are incorporated by reference herein.

IT IS FURTHER ORDERED that section 93113, title 17, CCR, is adopted as set forth in Attachment 1 hereto.

Executed this _____ day of _____, 2002, at Sacramento, California.

Michael P. Kenny
Executive Officer

Attachment